



Client Alert **UAE judgments now enforceable in India**

February 2020

As you may have seen in the press over the last couple of weeks, there has been a significant development in the recognition and enforcement of UAE judgments in India with the issuance of the official Indian Gazette Notification on 17 January 2020 (the **Notification**). The Notification declares the UAE as a 'reciprocating territory' and, going forward, judgments from the UAE courts will be recognized and enforced in India.

What has changed?

Whilst India and the UAE entered into a bilateral treaty in 1999 to implement reciprocal enforcement rules across both states, this mutual recognition mechanism was later withheld and India has historically only given effect to the treaty in relation to the service of summons and other judicial processes.

Following the Notification, UAE mainland, DIFC and ADGM decrees (i.e. judgments) will be expressly recognized and shall be deemed enforceable under the Indian Civil Procedure Code, which requires a judgment to be issued by a 'reciprocating territory' in order for it to be recognized and enforced in India. A UAE judgment will now *"be executed in India as if it had been passed by the District Court"*¹.

What does this mean for you?

This development is particularly significant given the trade relations between India and the UAE as well as the substantial number of Indian owned companies in the UAE. We expect the Notification to have a significant impact on the litigation strategies of financial institutions and corporates in the UAE and, importantly, on potential recoveries and claims.

¹ Article 44A(1) of the Indian Civil Procedure Code



How can we help?

Baker McKenzie Habib Al Mulla regularly acts for international, regional and local financial institutions on domestic and cross-border financing disputes involving borrowers and guarantors domiciled in India. We seamlessly work with the top leading Indian law firms and utilize local law and business expertise to provide on-market advice throughout the full transaction cycle. Given our global footprint, we are well placed to support you on any cross-border litigation and/or enforcement.

For further information, please feel free to contact one of the lawyers below or your usual Baker McKenzie contact.

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